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09/20/99
1c520 U.S. PTO

PATENT

Docket No. 1203-48

Commissioner of Patents and Trademarks
Washington, D.C. 20231

1c542 U.S. PTO
09/400343
09/20/99

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): CHUNG, Kyu-Nung; SHEEN, Yhun-Yhong; SHIN, Hyun-Jong

WARNING: Patent must be applied for in the name(s) of all of the actual inventor(s). 37 CFR 1.41 and 1.53(b).
For (title): AN IMPROVED STABLE INJECTION FORMULATION
CONTAINING PACLITAXEL

1. Type of Application

This new application is for a(n) (check one applicable item below):

- ☒ Original
- ☐ Design

WARNING: Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4) unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

NOTE: If one of the following 3 items apply then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED

- ☐ Divisional
- ☐ Continuation
- ☐ Continuation-in-part (CIP)

2. Benefit of Prior U.S. Application(s) (35 USC 120)

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date _____ in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number _____ addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231

John S. Egbert
(Type or print name of person mailing paper)

(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b).

3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

11 Pages of specification

1 Pages of claims

1 Pages of Abstract

0 Sheets of drawing

☐ formal

☒ informal

☒ in triplicate

NOTE: The Notice of October 7, 1985 (1059 O.G. 38-39) states the following: "Submission of Drawings —For your convenience and for more effective handling of any drawing corrections which may be necessary, please DO NOT SUBMIT ORIGINAL DRAWINGS WITH PATENT APPLICATIONS. DO SUBMIT THREE HIGH QUALITY COPIES. If the copies submitted pass the formality review and patent examination, no substitute drawings will be necessary. If corrections are necessary, they should be made to the original drawings. Either a good copy of the corrected drawings or the corrected original can then be submitted after the Notice of Allowability is mailed." The Notice of November 25, 1985 (1061 O.G. 12) further clarifies the submission of drawing practice by pointing out that the copies that are submitted to the office must be on strong, white, smooth and non-shiny paper and also points out that drawings for patent applications do not need to be submitted on bristol board.

4. Additional papers enclosed

☒ Preliminary Amendment

☐ Information Disclosure Statement

☐ Form PTO-1449

☐ Citations

☐ Declaration of Biological Deposit

☐ Special Comments

☐ Other

5. Declaration or oath

☒ Enclosed

executed by (check all applicable boxes)

☒ inventor(s).

☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. *See item 12 below for fee.*

☐ Not Enclosed.

WARNING: *Where the filing is a completion in the U.S. of an International Application but where a declaration is not available or where the completion of the U.S. application contains subject matter in addition to the International Application the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.*

☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.

WARNING: *It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).*

☐ Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).

6. Inventorship Statement

WARNING: *If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.*

The inventorship for all the claims in this application are:

☒ The same

or

☐ Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted

☐ will be submitted.

7. Language

NOTE: *An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$26.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).*

NOTE: *A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).*

☒ English

☐ non-English

☐ the attached translation is a verified translation. 37 CFR 1.52(d).

NOTE: *37 CFR 1.52(d) "An application may be filed in a language other than English. A verified English translation of the non-English language application and the fee set forth in § 1.17(k) are required to be filed with the application or within such time as may be set by the Office."*

8. Assignment

☒ An assignment of the invention to Kyu-Nung Chung

☒ is attached

☐ will follow

9. Certified Copy

Certified copy(ies) of application(s)

(Application Transmittal [4-1]—page 3 of 6)

Korea

99-9928

March 23, 1999

(country)

(appln no.)

(filed)

(country)

(appln. no.)

(filed)

(country)

(appln no.)

(filed)

from which priority is claimed

☒ is(are) attached☐ will follow

WARNING: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application then complete item 17 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation

A. ☒ Regular application

CLAIMS AS FILED				
Number filed		Number Extra		Rate
				Basic Fee 760
Total Claims	4	-20=	X	\$ 22.00
Independent Claims	1	-3=	X	\$ 74.00
Multiple dependent claim(s), if any		0		\$230.00

☐ Amendment cancelling extra claims enclosed☐ Amendment deleting multiple dependencies enclosed☐ Fee for extra claims is not being paid at this time

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee delinquency. 37 CFR 1.16(d).

Filing Fee Calculation

\$ 760

B. ☐ Design application
(\$290.00—37 CFR 1.16(f))

Filing Fee Calculation

\$

11. Small Entity Statement(s)

☒ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of A or B above)

\$ 380

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a)

12. Fee Payment Being Made At This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time. (*This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.*)

☒ Enclosed

☒ basic filing fee

\$ 380

☒ recording assignment - \$40.00
(37 CFR 1.21(h)(1))

\$ 40

☐ petition fee for filing by other
than all the inventors or person
on behalf of the inventor where
inventor refused to sign or cannot
be reached. (\$140.00; 37 CFR
1.47 and 1.17(h))

\$ _____

☐ for processing an application with
a specification in a non-English
language. (\$26.00; 37 CFR 1.52(d) and
1.17(k))

\$ _____

☐ processing and retention fee
(\$100.00; 37 CFR 1.53(d) and 1.21(l))

\$ _____

\$ _____

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or the processing and retention fee of § 1.21(l) must be paid within 1 year from notification under § 53(d).

Total fees enclosed

\$ 420

13. Method of Payment of Fees

☒ check in the amount of \$ 380 + 40

☐ charge Account No. _____ in the amount of \$ _____. A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

14. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 08-0879:

☒ 37 CFR 1.16 (filing fees)

☐ 37 CFR 1.16 (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 CFR 1.17 (application processing fees)

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WARNING. While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed" (Emphasis added) Notice of November 5, 1965 (1060 O.G. 27)

- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b).

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance 37 CFR 1.311(b)


NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee". From the wording of 37 CFR 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity

15. Instructions As To Overpayment

- ☒ credit Account No. 08-0879
☐ refund

Reg. No. 30,627

Tel. No. (713) 223-4034



SIGNATURE OF ATTORNEY
John S. Egbert

Type or print name of attorney
1018 Preston, Suite 100

P.O. Address
Houston, Texas 77002

- ☐ Incorporation by reference of added pages

Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

- ☐ Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed

Number of pages added _____

- ☐ Plus Added Pages For Papers Referred To In Item 4 Above

Number of pages added _____

- ☒ Statement Where No Further Pages Added

If no further pages form a part of this Transmittal then end this Transmittal with this page and check the following item

- ☒ This transmittal ends with this page